

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)(SN)

This document relates to: *Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al.*, 04-cv-1706 (GBD)(SN)

**PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL FINAL JUDGMENT FOR  
DAMAGES ON BEHALF OF THE PLAINTIFFS IDENTIFIED IN EXHIBIT A AND  
EXHIBIT B**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Declaration of Jerry S. Goldman, Esq. ("Goldman Declaration") with the exhibits appended and tendered pursuant to the August 23, 2021 Order, ECF No. 7067,<sup>1</sup> pertaining to sealed exhibits relating to damages, certain of the plaintiffs in the above-referenced matters who are identified in annexed Exhibit A and annexed Exhibit B to the Goldman Declaration,<sup>2</sup> by and through undersigned counsel, respectfully move this Court for an ORDER:

- (1) determining that service of process in the above-captioned matters was properly effected upon the Taliban; AND,
- (2) awarding the Plaintiffs identified in annexed Exhibit A and Exhibit B damages judgments against the Taliban in the same amounts previously awarded by this Court to various similarly situated plaintiffs in *Burnett, Havlish, Ashton, Bauer, O'Neill*, and other cases against the Islamic Republic of Iran (except subject to trebling damages as indicated below); AND,

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<sup>1</sup> All ECF numbers are to the MDL docket unless stated otherwise.

<sup>2</sup> Exhibit B contains only one (1) estate but if a related Motion to Add Parties is granted, Plaintiffs reserve the right to amend Exhibit A and Exhibit B to include additional plaintiffs.

(3) awarding solatium damages to those Plaintiffs identified in Exhibit A in the amounts of \$12,500,000 per spouse, \$8,500,000 per parent, \$8,500,000 per child, and \$4,250,000 per sibling, as set forth in annexed Exhibit A; AND,

(4) awarding the estates of the 9/11 decedents, through the personal representatives and on behalf of all survivors and all legally entitled beneficiaries and family member of such 9/11 decedents, as identified by the Plaintiffs set forth in annexed Exhibit B, compensatory damages for pain and suffering in the same per estate amount previously awarded by this Court regarding other estates of decedents killed in the September 11<sup>th</sup> attacks, as set forth in Exhibit B; AND,

(5) awarding compensatory damages to those Plaintiffs identified in Exhibit B for decedents' pain and suffering in an amount of \$2,000,000 per estate, as set forth in annexed Exhibit B; AND,

(6) awarding the estates of the 9/11 decedents, through their personal representatives and on behalf of all survivors and all legally entitled beneficiaries and family member of such 9/11 decedents, as identified in annexed Exhibit B, an award of economic damages in the amounts as set forth in annexed Exhibit B; AND,

(7) awarding treble damages pursuant to the Anti-Terrorism Act, 18 U.S.C. § 2333(a) in the amounts set forth in the annexed Exhibit A and Exhibit B; AND,

(8) awarding the Plaintiffs identified in annexed Exhibit A and Exhibit B prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages; AND,

(9) granting the Plaintiffs identified in annexed Exhibit A and Exhibit B permission to seek punitive damages, economic damages, and other appropriate damages, at a later date; AND,

(10) granting permission for all other Plaintiffs or Proposed Additional Plaintiffs in the action not appearing in annexed Exhibit A and Exhibit B to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed.

Plaintiffs' request is made in connection with the judgments on default as to liability entered against the Taliban as follows:

CASE NAME	CASE NO.	DATE OF ORDER FOR LIABILITY	ECF NO. FOR ORDER OF LIABILITY
Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al.	04-cv-1706	October 13, 2015	ECF Nos. 3067, 3163, 3043-1

Dated: New York, New York  
February 11, 2022

Respectfully submitted,

/s/ Jerry S. Goldman

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